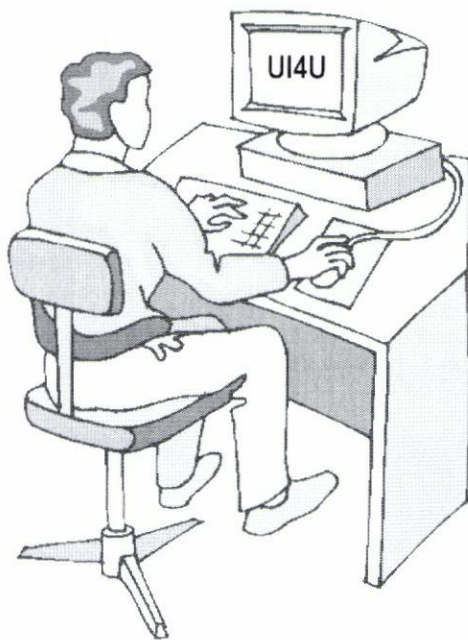


**MONTANA
UNEMPLOYMENT INSURANCE**



**CLAIMANT
HANDBOOK**

**YOUR BENEFITS RIGHTS
AND RESPONSIBILITIES**



The State of Montana
Department of Labor & Industry
is a proud member of
America's Workforce Network

Rev. 1/1/2010

SERVICES AVAILABLE VIA THE INTERNET

UI4U.mt.gov

- File a new claim or reactivate an existing claim
- Request payment of benefits every 2 weeks
- Sign up and update bank account information for direct deposit (only on UI4U.mt.gov)
- Update your address, name, e-mail address or phone number
- Establish or change your Personal Identification Number (*PIN*) (only on UI4U.mt.gov or calling the IVR)
- View and print your 1099-G tax form
- View claim and payment information
- View issues, status, including hearing date
- View amount of wages needed to requalify for benefits after a disqualification
- View monetary entitlement and quarterly wage information
- View payment information, claim end date and remaining balance available
- Send a question to a Customer Service Representative by clicking on **ASK UI**.
- The above services, unless otherwise noted, are also available by contacting the *Claims Processing Center*.

SERVICES AVAILABLE VIA TELEPHONE INTERACTIVE VOICE RESPONSE SYSTEM (*IVR*): 1-800-207-0667 or 444-9800 (Helena Area)

- Establish your Personal Identification Number (*PIN*)
- Request payment of benefits every 2 weeks
 - You can also find out about: 1) your benefit check; 2) IRS form 1099-G; 3) date of *appeal* or hearing and 4) amount of earnings needed to requalify for benefits.

Unemployment Insurance *Claims Processing Center*: **(406) 444-2545 Helena or (406) 247-1000 Billings**

Hours are 8:00 am to 4:30 pm, Monday, Tuesday, Thursday and Friday.
Wednesday hours are from 10:00 am to 4:30 pm.

Fax: (406) 444-2699

Mailing Address:

Unemployment Insurance Division
PO Box 8020
Helena MT 59604-8020

Individuals who are deaf, hard of hearing or have voice impairment may contact Montana Relay service at 711.

50,000 copies of this public document were published at an estimated cost of \$0.15 per copy, for a total cost of \$7,500.00, which includes \$8,250.00 for printing and \$.00 for distribution.

Important information about your Unemployment Insurance Rights and Responsibilities is included in this handbook.

- ✓ You are responsible for reading this handbook and knowing the information it contains.
- ✓ Failure to keep your address current may result in disqualification. Unemployment Insurance mail is not forwarded by the Post Office.
- ✓ You will be held responsible for any false information you provide during your benefit claim.
- ✓ After you have read this handbook, if you have questions, you can refer to our website uid.dli.mt.gov or call the *Claims Processing Center*. Unemployment Insurance Laws and Rules are available at this website. You can also send a question to a Customer Service Representative by going to UI4U.mt.gov and clicking on "Ask UI".

Unemployment Insurance provides temporary financial assistance to eligible workers and is not based on financial need. Unemployment Insurance benefits are funded by employer taxes. No money is deducted from your paycheck for these benefits.

NOTE: Underlined words in italics are defined at the end of this booklet.

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ELIGIBILITY FOR BENEFITS

Eligibility for benefits is based on:

1. Your wages over the past 12-18 months, **and**
2. The reason you are unemployed, **and**
3. Your physical ability and availability to accept work each week **and**
4. Your work search efforts each week.
5. Verification of citizenship or legal-to-work status if you are not a U.S. citizen.

You must have enough wages for an eligible claim, and leave work for a reason allowed in Montana law, to be paid benefits. For continuing payment, you must meet all eligibility requirements each week that you request benefits.

YOU'VE FILED YOUR CLAIM, WHAT DO YOU DO NOW?

Immediately do the following items – whether your claim was filed via the Claims Processing Center or on-line.

- Review claim information and all forms related to your claim.
 - If you filed your claim on line, you signed a **Claimant Agreement** electronically. You will receive a packet of information by mail to read.
 - If you filed by telephone, you will receive the **Claimant Agreement** in your packet and must return the signed form by mail or fax. *If you don't return the form within 8 days you will be disqualified from receiving benefits until it is returned.*
- Review your "**Monetary Determination.**" If there are missing or incorrect wages, contact your Claims Processing Center by the date noted.
- If you filed your claim by telephone, establish a Personal Identification Number (**PIN**) by telephone on the IVR (Interactive Voice Response System) or on-line at UI4U.mt.gov. (If you filed on-line, you have already established your PIN).
- Register for work with your Workforce Service Center (local Job Service Office) or on-line at jobs.mt.gov if required.
- Search for work each week and keep a record for 3 years for audit purposes.
(See page 6 for more information.)
- Make your first request for benefits on the date given in your claimant packet, at the end of the first two weeks of your claim, even if you are waiting for a decision on your eligibility or wage revision.
- Keep your mailing address and phone number current with us; mail from Unemployment Insurance is not forwarded by the Post Office. If we cannot contact you, you may not receive benefits.

PERSONAL IDENTIFICATION NUMBER

You must establish a 4-digit Personal Identification Number (**PIN**), which allows secure access to your claim on our Internet site (UI4U.mt.gov) and the Interactive Voice Response (**IVR**) system. This number, along with your social security number, will identify you to the Internet and **IVR** systems when you claim your bi-weekly benefits. Once established, your **PIN** stays the same unless you change it.

- If you filed your claim via the Internet, your **PIN** was established at the time of filing.
- If you filed your claim over the telephone, you need to establish your **PIN** on our Internet site or call **IVR** at 1-800-207-0667. (In Helena, call 444-9800 for **IVR**).

- Your PIN is your signature. You are the only one who has the legal authority to use it. Do not share your PIN with anyone. If another person has knowledge of your PIN, change it by going to UI4U.mt.gov or calling the Claims Processing Center.

HOW DO YOU QUALIFY MONETARILY

You will receive a "Monetary Determination" form which lists:

- The base period wages reported by your employer(s).
- Your Weekly Benefit Amount (WBA).
- Number of weeks (Duration) of benefits you may be paid.
- Total amount of money you may claim (Maximum Benefit Amount or MBA).
- Claim effective and claim ending date. This is the one year period in which the benefits are available to you.

This information is also available on UI4U.mt.gov when you go to "View Claim Information".

The base period is the first 4 of the last 5 completed calendar quarters at the time you file your claim for benefits. These wages are used to calculate your benefit amount using the formula shown on your Monetary Determination.

The following chart shows the base period used, depending on when you file your claim:

YEAR BEFORE LAST	LAST YEAR				THIS YEAR			
					If you file a claim during one of the months in a box that contains an asterisk (*), the <i>base period</i> of your claim includes the months in the shaded boxes to the left.			
OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	«	*JAN FEB MAR			
	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	«	*APR MAY JUN		
		APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	«	*JUL AUG SEP	
			JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	«	*OCT NOV DEC

YOUR WAGES

Review your Monetary Determination. It should list all your base period wages including federal, military and out-of-state employment, including pending requests. You will get a revised determination each time pending wages are received. If you believe the wages or employers are not correct, contact the Claims Processing Center.

If your Monetary Determination indicates you are not eligible, there are two ways to adjust your eligibility. You may request your wages be adjusted from "as paid" to "as earned," or you may be able to use an Alternate Base Period (ABP). The ABP just moves forward one quarter to use the last completed quarter's wages for your claim.

Often, you will need to submit wage proof or we will need to contact your employer(s) to verify your earnings. If you need wage adjustment or an ABP claim, contact the Claims Processing Center.

WAGES FROM SCHOOL EMPLOYMENT

Federal regulations require an evaluation of all wages earned from school employment. This may affect your eligibility for benefits during school breaks.

HOW THE REASON YOU ARE UNEMPLOYED AFFECTS YOUR ELIGIBILITY

When you applied for benefits, you were asked to provide information about why you are no longer working (or working reduced hours) for your last employer and any other employers in the last 6 weeks. We will also ask your employer about the reason(s) for your separation and will then determine your eligibility based on Montana law.

You may receive benefits if:

- You were laid off due to lack of work.
- You are still working but the employer reduced your hours due to a lack of work.
- You were fired for reasons other than misconduct.
- You left your job for a work-related reason allowed by law.
- You left your job due to an on-the-job injury.
- You left your job because you or your child was the victim of domestic violence, stalking or sexual assault.
- You left to follow your spouse due to a military reassignment.

You may not receive benefits if:

- You left your job for personal reasons that were not work-related.
 - Reasons that are not work-related under Montana law can include voluntary reduction of your hours, lack of transportation, lack of childcare, family issues, illness, and other personal reasons.
- You were discharged, suspended, or fired for misconduct.
 - Misconduct can include theft, dishonesty or illegal actions, carelessness or negligence, attendance issues, violation of a known company policy or rule, insubordination, or destruction of company property.
- You are not working because of a strike or union labor dispute.
 - Special laws govern claims filed because of strikes and union labor disputes. If you have questions, please call the Claims Processing Center.

Unless you were laid off or your hours were reduced due to lack of work, you will be sent a written decision informing you of your eligibility to receive benefits. You have the right to ask for a redetermination if you disagree with the decision. Your former employer has the same right.

VERIFICATION OF LEGAL-TO-WORK STATUS IF YOU ARE NOT A U.S. CITIZEN

Registration status with the Immigration and Naturalization Service will be verified to determine your eligibility for unemployment insurance benefits. You will be asked to provide a copy of your registration card. Benefits cannot be paid until legal work status has been verified.

CONTINUING ELIGIBILITY

To receive benefits each week, you must be able to work and willing to accept any work that fits your training, experience and abilities. The following may be reasons you will not qualify for benefits:

- You do not respond within the time allowed to a request for information.
- You have a medical condition that prevents you from accepting work.
- You are not willing to accept the standard wage in your area for your usual occupation.
- You are not willing to work the days and hours normal to your occupation, and you previously worked under those terms.
- You are not available for your customary work because you are attending school or are self-employed.
- You limit the hours you are willing to work to less than 40 hours a week.
If you are limiting your availability to less than full-time (40 hours/week), you may be eligible to seek, accept and work less than full-time hours as long as the majority of the weeks you worked in the base period of your claim was in part-time work and you are now willing to work that same number of hours per week. You will need to report this limitation to the Claims Processing Center by phone, fax, e-mail or mail.
- You do not have childcare, transportation, or have other personal reasons that prevent you from working.

If any of the above reasons apply and you have not reported them to the Unemployment Insurance Division, you must contact the Claims Processing Center.

WORK SEARCH REQUIREMENTS

You completed a Claimant Agreement on-line and signed electronically if you filed at I4U.mt.gov. If you filed by telephone you will receive a Work Search form in the mail. You must then sign and return the second page. You are expected to look for work if you are filing for benefits, unless you are job or union-attached or in approved training.

If you are required to look for work, you must:

- Register for work at your local Workforce Service Center. You may register online at jobs.mt.gov or call or visit your local Workforce Service Center. (List of offices located in back of this handbook.) If you do not register by the date indicated under Section B of the Work Search Classification form, you will not receive unemployment insurance benefits until you do register for work.
- Make at least 1 contact for work each week you claim benefits. All contacts must be made with a person who has hiring authority and written applications must be filed where accepted. The same employer(s) may not be used for required contacts in consecutive weeks unless requested by the employer.
- Keep the record of your work search contacts for 3 years in case your claim is selected for an audit.

If you are temporarily laid off and anticipate returning to work at 30 hours or more per week, your employer will be required to verify the expected return to work date. If verified, you will be considered job attached and will not be required to make a weekly work search. If you are a union member who gets work through the union hiring hall, are in good standing, and are on the out-of-work list you will be considered union attached, if verified by your union. If you are job or union attached, you must still be able and available to accept any offer of suitable employment. If your status changes, you must notify the Claims Processing Center.

REFUSING WORK OR REFERRALS TO WORK

Failure to apply for or accept work you are qualified to perform could affect your benefits. After 13 weeks of unemployment, you must be willing to accept a job paying 75% of your previous wage, but not less than federal minimum wage. Any refusals of work must be reported on your bi-weekly request for payment of benefits.

- Refusing work means:
 - You turned down work that was offered to you or you did not work all the hours that were available to you.
- Referral to work means:
 - You were sent to a job contact by Workforce Services where an opportunity for work existed. When you are referred, you must apply as instructed.

HOW DO YOU GET PAID?

Benefit Week and Benefit Year Information:

- You must request payment for each week you expect to get paid benefits. The computer system will allow you to do this weekly or bi-weekly, but it is programmed to generate the next two "pending weeks" on the calendar at once. You can claim weekly or bi-weekly but you should be consistent and maintain the same schedule of filing.
- Your claim must be in an active status before you can request payment. That means your claim must be 'open' and the Saturday date of the week you want benefits must appear on your payment screen in UI4U.mt.gov before the Sunday you want to make your request.
- You cannot request benefits for a week until that week has ended at midnight Saturday. You have 7 days to make your request.
- Reactivating your claim makes the current week and the next week's pending dates appear in your payment information. Activating/reopening your claim must be done before Saturday at midnight in order for your claim to be effective during this week.
- Your claim is inactive if you have not claimed for two weeks, have earned more than twice your weekly benefit amount for 2 weeks in a row, or worked your regular hours for two weeks in a row. Even if you made a request for payment for those weeks, your claim becomes inactive.
- If you don't know if your claim is active or not, log onto UI4U.mt.gov to see if this Saturday's date is a pending week. Your claim is active if the date is there, and you will be able to file for this week's benefits after the week has ended.
- An unemployment benefit week begins on Sunday and ends Saturday at midnight. Wait until after midnight Saturday to request payment of benefits. You request payment for a 2-week period no later than 7 days after the end of the second week. If your request is late, you may not receive payment.
- A benefit year consists of a 1-year period in which to collect your maximum benefit amount (MBA). It does not mean you get benefits for a year. Your Monetary Determination mailed to you at the beginning of your claim year has the number of weeks of full benefits available to you, or divide your MBA by the WBA to see the number of weeks of benefits.
- Your claim can be reactivated during the benefit year at any time as long as there is money left on your claim.
- You cannot file a new Montana claim until after your current benefit year expires.

REQUESTING YOUR BENEFIT PAYMENT

You are the only one who can file for your benefits. Allowing another person to have access to your PIN and file for you is considered fraud.

There are 2 ways to request benefit payment:

- On-line at UI4U.mt.gov or via telephone using the Interactive Voice Response System (IVR) at 1-800-207-0667 (444-9800 in Helena).

➤ Both systems are available 24 hours a day, 7 days a week.

When you go on-line or call the IVR to request payment of benefits, you will be asked questions for each of the weeks you request payment.

You are strongly encouraged to file via UI4U.mt.gov which allows you to review your answers, earnings, etc. to eliminate possible errors and delays in benefits.

BI-WEEKLY FILING QUESTIONS

Below are the questions you will be asked when completing your bi-weekly filing along with clarification of each question. Having the questions and clarification will help reduce errors that could delay payments. The questions are the same whether you use IVR or file on-line.

Remember to file for benefits within 7 days of the last week ending date of your bi-weekly filing period. If you don't file within this time, you will be ineligible for benefits that week.

You will be asked the following questions for each week you file for unemployment insurance benefits:

Do you want to file for week ending ...?

Means you wish to receive benefits, and worked less than your customary hours. If you worked full-time you cannot receive benefits.

1. Did you quit or get fired from a job this week?

Quit or fired means you left a job for a reason other than a reduction in hours or a layoff due to lack of work.

2. Did you take time off or miss scheduled work for any reason this week?

"Yes" means that during the week claimed, you took time off from work or missed work for any reason other than a reduction in hours by the employer. "No" means you accepted all work available during this week.

3. Did you look for work this week?

"Yes" means you made your required work search contacts this week.

"No" means you did not look for a job this week.

If you are uncertain of your work search requirements, refer to page 6 or contact the Claims Processing Center.

4. If work had been available, were you physically and mentally able to work this week?

Able to work means you had no physical or mental condition that would have prevented you from working or accepting work.

5. Were you available to work this week?

You are **available** if you could have worked the hours and days normal for your occupation, had transportation to get to work, had childcare available if needed, etc. **Available** for work means you are ready and willing to accept "suitable work". If you are job or union attached, you must be ready and willing to return to work when notified by the employer.

6. Did you attend school or were you in training this week?

"Yes" means you were attending school or training full or part-time or participating in on-line courses.

7. Were you referred for a job interview by Workforce Services (Job Service) this week?

If your answer to question 7 is "Yes", you will be asked **"Did you report for the job interview you were referred to by Workforce Services (Job Service) this week?"**

8. Did you refuse any work during this week?

Refusing work means you turned down work that was offered to you or you did not work all the hours that were available to you.

The next series of questions refer to your hours of work and earnings or other payments for the week. Please have your hours of work and earnings available when you are filing your claim.

9. Enter the total number of hours you worked this week.

Include the number of hours worked and any hours you were paid wages while attending training. This is all hours and partial hours for each day worked added together. **Do not include hours of paid time off, which includes vacation time, sick time, compensatory time and personal time off.**

Example: worked 6.25 hrs., 7 hrs., 7.25 hrs. = 20.5 hrs. and report 20 hours

If you reported hours in the previous question, you will be asked to **Enter total earnings for hours worked this week** even if you haven't been paid yet. Earnings include wages before deductions, including gross pay plus tips and room and board, if it is part of your salary.

To calculate your earnings, multiply the total number of hours and parts of hours (not the rounded down number) you worked by your hourly rate of pay. After performing the calculation, report your earnings rounded down to the nearest whole dollar.

Example: 20.5 hrs x \$8.50 per hour = \$174.25, Report \$174

10. Enter total earnings for paid time off this week.

Earnings for paid time off include wages you have or will be paid for vacation time, sick time, compensatory time or Personal Time Off (PTO), etc. Enter gross amount here.

11. Enter total earnings for being "on call" this week.

Report all earnings you will receive for being "on-call" for your employer this week, even if you have not been paid or did not get called in to work this week.

12. Enter the amount of bonus pay received this week.

Bonuses are reported in the week they are received. If you received a bonus this week, report the value of the bonus.

13. Enter the amount of commission pay received this week.

Commissions are reportable in the week they are received, regardless of when it is earned. If you work on a commission basis and received commission pay this week, report the gross amount.

14. Will you be paid for a holiday that occurred this week?

If you will be paid for a holiday that occurred this week you will be asked to **enter the number of holiday hours.**

If you reported holiday hours, you will be asked to **Enter total holiday pay.**
Enter the gross holiday pay you will receive, even if it has not been paid yet.

WORKING PART-TIME

If your customary schedule is reduced, and you earn less than twice your weekly benefit amount you may qualify for *partial benefits*. If you earn more than ¼ of your weekly benefit amount in any week, your *WBA* will be reduced by \$.50 for each dollar earned (over ¼ of your weekly benefit amount).

You can access the Partial Benefits Calculator on-line at uid.dli.mt.gov or UI4U.mt.gov or refer to the following example to figure your *partial benefits*.

PARTIAL BENEFITS						
A	B	C	D	E		
Regular Benefit Amount	Weeks Gross Earnings	Divide Column A by 4	Column B Minus Column C	Divide Column D By 2	Column A Minus Column E	This Week's Benefit Amount
		\$106.00	\$150.00	\$124	\$106.00	
		÷ 4	-26.00	÷ 2	-62.00	=
\$106.00	\$150.80	= \$26.50	\$124.00	= 62.00	\$44.00	\$44.00

REDUCTIONS TO YOUR WEEKLY BENEFIT PAYMENT

The following are earnings that must be reported the week they are **earned** and may reduce your weekly benefit amount:

- Earnings from employment (gross pay), including personal paid time off, vacation, sick leave, holiday pay, and payments for attending training.
 - See page 9 for how to calculate your earnings.
- Tips
- Room and Board – You must report the actual value of room and/or board you receive as earnings for the week with the following amounts as minimum:
 - ♦ Weekly Room and Board \$130.00
 - ♦ Room per week \$ 70.00
 - ♦ Meals per week \$ 60.00
 - ♦ Each meal \$ 3.00

The following are earnings that must be reported the week they are **paid** and may reduce your weekly benefit amount:

- Commission Pay
- Bonuses – cash payments or gifts in lieu of cash
- If you receive any payment not listed, or have any other questions, please contact the *Claims Processing Center*.

All hours worked and wages earned must be reported for the Sunday to Saturday midnight reporting period. FAILURE TO PROPERLY REPORT YOUR HOURS WORKED AND EARNINGS MAY BE CONSIDERED FRAUD AND SUBJECT TO PROSECUTION. We crosscheck employer information against claimant information and identify those who have been hired by an employer and are still receiving benefits. We also identify claimants who misreported hours and earnings based on the employer wage information.

The following are payments that should have been reported when you filed your claim. These payments may reduce your weekly payment amount:

- Separation/Severance Pay
- Retirement Income

Contact the *Claims Processing Center* if you did not report these amounts at the time you opened your claim, or if you start to receive these types of payments at any time while filing for benefits.

Other deductions that may reduce your weekly payment amount include:

- Child Support Payments
 - If Unemployment Insurance receives a "withhold" order from a child support agency, money must be withheld from your benefits to satisfy the obligation. Only the child support agency can change or stop the deduction. For further information, contact the Child Support Enforcement Division at (406) 444-9855 or toll free at 1-800-346-5437.
- Income Tax Withholding
- Repayment of Overpaid Benefits
 - If you have an overpayment of unemployment insurance benefits, one-half of your weekly benefit check will be applied to your overpayment.

EARNINGS THAT NEED TO BE REVIEWED BY THE CLAIMS PROCESSING CENTER

Workers in the categories listed below may/may not be required to report their earnings and number of hours worked. If your employment falls under one of these categories, please contact the Claims Processing Center.

- National Guard or Reserves
- Domestic and household workers
- Sole proprietors and working members of partnerships and limited liability companies
- Spouses or dependents of sole proprietors
- Elected public officials
- Students and their spouses employed by a college or university
- Students in work-experience programs
- Independent contractors certified as such by the Department of Labor and Industry
- Legally admitted alien agricultural workers
- Participants in work-relief and work-training programs
- Freelance correspondents and newspaper carriers
- Real estate brokers and real estate salespersons
- Cosmetologists and barbers
- Amateur athletic officials
- Floor covering installers
- Direct sellers
- Petroleum land professionals
- Clients of rehabilitation facilities
- Inmates of state correctional and custodial institutions
- Court ordered community service workers
- Workers employed by small agricultural operations
- Workers employed by agencies of government of states other than Montana
- Workers covered under federal unemployment insurance programs; e.g., Railroad Unemployment Insurance Act
- Officers or members of a crew of a vessel on U.S. navigable waters

TIPS FOR REQUESTING YOUR BENEFIT PAYMENTS

- Remember your PIN. Entering your PIN incorrectly 3 times in a row will revoke your PIN. To reset your PIN, you can go on-line at UI4U.mt.gov or call the Claims Processing Center.
- If using the IVR to answer the questions, you must stay on the line until you hear the message "Thank You and Good-Bye". If you do not hear this message, try resubmitting your responses via IVR or on-line at UI4U.mt.gov. If you continue to have problems, call the Claims Processing Center.
- **If you realize you have made an error, you can resubmit your information that day prior to 6:00 pm or anytime on a weekend or holiday, or call the Claims Processing Center during business hours.**

STOPPING AND RESTARTING YOUR BENEFITS

To stop your benefits, just stop filing bi-weekly request for payment. Your claim becomes inactive and is available to reactivate until the benefit year ends.

Your claim will close and no further payments will be processed, if, for any 2 weeks in a row:

- You worked 40 hours or more, or worked all your customary hours.
 - You earned twice your weekly benefit amount or more.
 - You didn't file your request for payment for two weeks in a row.
 - You answered "NO" to the question, "Do you want to file for this week?"
- Or
- *Any combination of the above.*

To reactivate your claim, go on-line at UI4U.mt.gov or call the Claims Processing Center. You must reactivate during the first week you are unemployed or your hours are reduced. Payments are not made until after your bi-weekly filing.

To restart your claim, you can reactivate on UI4U.mt.gov or call the Claims Processing Center. If you have worked since you last received benefits, you will be asked for the employer name and dates you worked. You should reactivate in the first week you are off work. You cannot file a bi-weekly request unless you reactivate your claim first.

CLAIMANT AGENT

If you need to allow another person to receive your claim letters, or assist or act on your behalf on your claim, contact the Claims Processing Center to name a Claimant Agent. A Customer Service Representative will explain the rules and send you a form for your designation. Allowing another person to act on your behalf or access your claim without first completing the designation form could result in a denial of benefits and/or fraud penalties.

DIRECT DEPOSIT

Direct deposit of your unemployment insurance payment is strongly encouraged. It is a quick, convenient and secure way to receive your benefits and you may get your money much faster than by mail. Most banks post your deposit within two days of the payment creation.

To sign up for direct deposit into your checking or savings account, go to UI4U.mt.gov. If you are receiving benefits through direct deposit, it is still your responsibility to keep your address current by updating at UI4U.mt.gov or by calling the *Claims Processing Center*. To end Direct Deposit and receive payment by check, you must go to UI4U.mt.gov and select "Update Bank Account Information".

INCOME TAX INFORMATION

Unemployment insurance benefits must be reported on your federal income tax returns. You must notify us if you want to have 10% withheld for federal tax purposes. This option is available on UI4U.mt.gov or in the documents sent to you. In January, you will be mailed Form 1099-G which reports benefits paid to you the previous calendar year. The same information will be provided to the IRS.

NOTE: To receive your Form 1099-G, keep your address current at UI4U.mt.gov or by calling the *Claims Processing Center*.

At UI4U.mt.gov you can view and print your Form 1099-G showing unemployment insurance benefits you received and the taxes withheld for the prior calendar year. The Form 1099-G does not need to be included with your income tax returns.

Questions about the taxation of unemployment insurance benefits, making estimated tax payments, or other tax matters should be directed to the IRS.

APPEAL RIGHTS

You have the right to *appeal* any decision that affects your eligibility for benefits. You have 10 days from the date of the decision to *appeal* the decision and must provide good cause to extend the time limit if your request is filed late. The *appeal* levels are:

REDETERMINATION

- If you disagree with the initial decision you must contact the *Claims Processing Center* by phone, fax, or mail, by the date listed in your determination. You will be asked to provide additional information as to why you disagree with the decision. This new information may be shared with your employer and the *redetermination* decision will be mailed to all involved parties.

APPEALS HEARING

- If you disagree with the *redetermination* you can request a telephone hearing within the 10-day timeline as described above. The Hearings Bureau will notify you of the hearing process and date. For any questions about a hearing, call the Hearings Bureau at (406) 444-4662, or fax them at (406) 444-2689. After the telephone hearing, a decision will be mailed to all involved parties.

BOARD OF LABOR APPEALS (BOLA)

- If you disagree with the Appeals Hearing decision, you have the right to *appeal* the decision to the Board of Labor Appeals (BOLA) by contacting BOLA, PO Box 1728, Helena MT 59624; phone (406) 444-3311; or by fax (406) 444-9038 or by calling the *Claims Processing Center*. The Board is an independent review panel appointed by the Governor. They will hold a hearing and consider appropriate records to ensure the decision was made in compliance with Montana law and rule. If you disagree with the BOLA decision, you have the right to *appeal* to District Court. If you disagree with the District Court decision, a final *appeal* can be made to the Supreme Court.

Continue to file your bi-weekly requests for benefits while your redetermination or appeal is pending. If you are found eligible, benefits for weeks which were not claimed timely cannot be paid.

Your employer may also appeal any decisions on your claim related to your separation from their employment or a refusal of suitable work. If a decision that allowed benefits is reversed, YOU WILL BE REQUIRED TO REPAY ANY BENEFITS YOU WERE PAID during the period of disqualification.

REQUALIFYING WAGES

If you have been disqualified for quitting a job, or because you were discharged for misconduct, you may become eligible if you provide proof of adequate earnings from a new employer. These wages must be earned beginning with the Sunday after the date of your disqualifying separation. The amount necessary to requalify is shown on the determination. You can also find out the amount by accessing your claim on UI4U.mt.gov or calling the Claims Processing Center. Please send proof of these wages, such as pay stubs or a signed employer statement, to the Claims Processing Center.

OVERPAYMENTS

You will be required to repay money you receive for a week of unemployment if it is determined you were not eligible for that week. This will include any income taxes and child support payments withheld from your benefit payment.

TWO TYPES OF OVERPAYMENTS:

Non-Fraud Overpayment – Occurs when an accidental or inadvertent error is made by the claimant or employer, or a decision allowing benefits is reversed,

- You must pay back the overpaid amount.
 - No penalties are assessed.

Fraud Overpayment – Occurs when you knowingly make a false statement, or knowingly fail to disclose a material fact or misrepresent material facts to obtain or increase benefits.

- **Penalties for Fraud**

- You must pay back the overpaid amount.
- You must pay up to 100% penalty on the amount you fraudulently claimed.
- You will be given and administrative penalty, which can disqualify you from receiving benefits for up to 52 eligible weeks.
- You may be tried in a criminal court for felony theft.

METHODS USED TO REPAY/COLLECT OVERPAYMENTS

- Lump sum repayment.
- Signed agreement to repay based on a scheduled monthly payment plan.
- Benefit Offset - Having 50% of future benefit payments deducted and applied to the overpayment. A penalty must be repaid by the claimant; it cannot be offset.
- State warrants such as income tax refunds, including joint returns, can be taken to apply to your overpayment.
- Liens and other possible legal actions up to and including criminal prosecution.

WAIVER OF NON-FRAUD OVERPAYMENTS

Contact the UI Overpayment Unit at (406) 444-3783 for instructions on requesting a waiver of your overpayment. A waiver cannot be granted in cases of fraud.

The following will be considered:

- The reason for the overpayment.
- Whether repayment of the overpaid amount would cause a long-term financial hardship.

ATTENDING SCHOOL

You need to report all school/training participation to the Claims Processing Center by phone, fax, e-mail or mail. If you take on-line or other courses that do not interfere with your availability or search for work, your eligibility for benefits may not be affected. Training that an employer pays you regular wages to attend is considered work, not school.

If you are planning to attend school or training, you may be able to receive unemployment benefits while participating, if the training improves your employability, provides more stable employment, or increases your earning power. Contact the Claims Processing Center (by phone, fax, e-mail or mail) to see if your planned curriculum may qualify.

If you are in a training program approved by this agency at the time your unemployment benefits run out, you may be eligible to receive additional benefits to finish your training, up to 26 weeks. You must have separated from a declining occupation or a business that reduced or ceased operations, and be enrolled in the training prior to the end of your regular unemployment claim year. You can apply for these additional benefits by contacting the Claims Processing Center by phone, fax, e-mail or mail.

SPECIAL PROGRAMS

WORKER PROFILING AND REEMPLOYMENT SERVICES

Worker Profiling is required by the federal government and identifies people who are at risk of exhausting unemployment insurance benefits and could benefit from job assistance. If you are selected for this program, you will be notified by mail. The Workforce Service Center is the primary provider of reemployment service.

Failure to respond to a Worker Profiling letter and to participate in program activities could affect your eligibility for unemployment insurance benefits.

BENEFITS ACCURACY MEASUREMENT – A QUALITY CONTROL PROGRAM

Our Benefits Accuracy Measurement (BAM) unit randomly selects and audits claims that have been paid or denied for payment. Audits of claims are done to ensure proper payments and to help locate, correct, and reduce errors in the UI program.

If selected for an audit, you will be sent a questionnaire to complete. You may be asked to verify wages earned and to report work searches made while claiming benefits.

Information you supply regarding your claim will be verified with your employers and third parties associated with your claim. It is very important you return your completed questionnaire and any information requested. **If you fail to respond in a timely manner or refuse to cooperate in the audit, you will be denied benefits.**

FREQUENTLY ASKED QUESTIONS

What if I change my address?

Report any change of address online at UI4U.mt.gov or contact the *Claims Processing Center*. This will prevent a delay in receiving payments or information. The Post Office will not forward any mail from the Unemployment Insurance Division. If we cannot contact you, benefits will be stopped.

After I file my claim, when should I call the *Claims Processing Center*?

You should contact us to report:

- Any job separation that occurs during the claim
- A suspension from work - paid or unpaid
- Any job offered or work referral from Workforce Services that you do not accept
- New self employment
- Retirement pension not previously reported
- Any Worker's Compensation payments received due to wage loss
- Enrollment in school and any change in school schedule
- Illness or injury that would prevent you from working or require you to take time off
- Vacation or leave of absence from work
- Inability to work or look for work
- Not being available to work your customary hours
- Refusal to work or look for work

Is information verified?

Yes, information is verified by several different methods to insure only those who are entitled to benefits receive them. It is important to give complete and true information every time you provide information to the Unemployment Insurance Division. Separation information is verified with employers to determine eligibility for benefits.

- Federal law requires all claims to be subject to **random audit**. If your claim is selected, your job search contacts, earnings and other information in your file will be verified.
- Employers are required to report any new employees hired. This information is matched against unemployment insurance claims.

Why haven't I received my benefits yet?

There may be several reasons

- You failed to return any paperwork timely
- You failed to timely request your *bi-weekly* payments
- Your claim closed after not filing for 2 weeks in a row
- Excessive earnings or hours for 2 or more weeks in a row
- Issues pending a determination by the Unemployment Insurance Division
Remember, you must continue to file while waiting for a decision.

Can I get benefits after I've been disqualified?

Yes, there are 2 ways to overcome a disqualification.

- You can follow your *appeal* rights.
- You can requalify as described in your determination. If you have questions, call the *Claims Processing Center*.

Can I cancel my claim?

Yes, if you notify the Claims Processing Center, in writing or by calling, within 10 days from the date you opened your initial claim.

What if I don't receive my check timely?

If your unemployment check is not received timely, call the Claims Processing Center.

- If the check was returned to us due to a bad address we can re-mail it after you have notified us of the correct address.
- If the check was lost or stolen, you will be sent a form to complete and have notarized. After 10 calendar days (15 days if you live out-of-state), a new check will be issued.
- Direct Deposit eliminates this worry.

Why can it take so long to get a decision?

The Claims Processing Center investigates each issue on your claim. When the issue involves a job separation, both you and the employer are given up to 8 days to provide any supporting information. When conflicting information is received, the process can take longer. These steps are important to arrive at the right decision and pay benefits correctly.

My employer thinks I should get benefits, why am I not eligible?

Employers do not determine eligibility. The Unemployment Insurance Division reviews information provided by both you and your employer to determine if your separation meets eligibility requirements based on Montana law and rule.

If I made a mistake when filing my bi-weekly claim what do I do?

If you immediately realize you made an error, you can go back into your claim through UI4U.mt.gov or call the IVR and correct your information if you do so before 6 p.m. that day or anytime on weekends and holidays. If you have questions, call the Claims Processing Center.

Can I go to school and receive benefits?

Possibly, if your school attendance does not interfere with your ability to find and accept full-time work or you are in training approved by the Unemployment Insurance Division. If you did not report this when you filed/reopened your claim, you must call the Claims Processing Center to report the details of your school attendance.

Can I get more money after my benefits run out?

No, once you have been paid your maximum benefit amount (MBA) during a claim year, you must wait until that claim expires before opening a new Montana claim. You will be notified in the event of special extensions.

Do I need to register for work at the Workforce Service Center?

Yes, you must register for work at the Workforce Service Center unless you are considered job attached or union attached. Workforce Service staff can assist with testing, counseling, job training programs, and job seeking skills.

Can anyone obtain information about my claim or file for my benefits?

No, unless you have given written authority to allow another person to obtain information on your claim. You are the only one who will have access to your claim information and you are the only one that can file for your benefits. (See "Claimant Agent" section of this handbook.)

- Allowing another person to have access to your PIN and file benefits for you is considered fraud and may have legal consequences.

WORKFORCE SERVICE CENTERS

If you experience problems contacting any of the following offices, check the State Government pages of your local phone book, or check the website: jobs.mt.gov If you live in a rural area, contact the nearest office.

Anaconda	563-3444	Helena	447-3200
Billings	652-3080	Kootenai	293-6282
Bitterroot	363-1822	Lake County	883-7880
Bozeman	582-9200	Lewistown	538-8701
Butte	494-0300	Livingston	222-0520
Cut Bank	873-2191	Miles City	232-8340
Dillon	683-4259	Missoula	728-7060
Flathead	758-6200	Missoula - Satellite office	329-1275
Glasgow	228-9369	Northeast Wolf Point	653-1720
Glendive	377-3314	Sanders	827-3472
Great Falls	791-5800	Shelby	434-5161
Havre	265-5847	Sidney	433-1204

DEFINITIONS

ABP Alternate Base Period – A different period of wages to consider when calculating your monetary eligibility for benefits. A base period is four quarters (one year).

Administrative Penalty – Imposed when a claimant knowingly failed to disclose facts or provided incorrect information to obtain or increase benefits.

Appeal – A claimant or employer can appeal a decision if they believe it is contrary to the law or facts or if they have new information that could affect the decision. An appeal must be filed within 10 calendar days from the date of the Notice of Determination.

Base Period – The base period is the first 4 of the last 5 completed calendar quarters at the time an *initial claim* for benefits is filed. *Monetary eligibility* is based upon how much was paid during this base period.

Benefit Offset – An amount deducted from benefits to repay an amount owed due to previous *overpayment* of benefits.

Bi-weekly Claim – The request for payment for 2 weeks at a time via Internet, telephone, or by mail.

Benefit Week Ending (BWE) – Each benefit week begins on Sunday and ends at midnight the following Saturday. The Saturday date is the week ending date.

Benefit Year Ending (BYE) – A benefit year lasts 52 weeks. The Saturday date of the last week of a claim is the benefit year ending date. When a benefit year ends, a new claim must be filed.

Claimant Agreement – Claimant certification that he/she is a citizen or national of the United States and acknowledgement of their obligations necessary to qualify for benefits and that information may be shared with interested third parties, state and federal agencies who have access to the information according to Section 1137(a)(6) of the Social Security Act.

Claim Effective Date – The Sunday date of the week in which a claim is filed.

Claim End Date – The last day of a claim year (see BYE).

Claims Processing Center – Where to call to open, reopen, or receive assistance with an Unemployment Insurance claim. Staff in the center gathers information from claimants and employers, issues eligibility decisions and provides customer service to claimants and employers. Phone numbers are inside the front cover of this booklet.

EFT Electronic Funds Transfer – The direct deposit of benefits into your bank account.

Full-time Work – Work that consists of 40 hours or more per week.

Gross Misconduct – A criminal act, other than a violation of a motor vehicle traffic law, for which an individual has been convicted in a criminal court or to which the individual has admitted guilt. It also includes conduct that demonstrates a flagrant and wanton disregard of the rights, title or interest of a fellow employee or the employer. The penalty for a separation due to gross misconduct is 52 weeks of disqualification.

Initial Claim – A new claim filed establishing a new benefit year and a 1-year eligibility period.

Issue (or Eligibility Issue) – Any act or circumstance that may disqualify a person from receiving benefits.

Interactive Voice Response (IVR) – The automated telephone system used for requesting benefit payment every 2 weeks.

Insufficient Wage Credits (IWC) – Term used to define a claim that does not have enough wages in the base period to be eligible. Also referred to as “monetarily ineligible.”

Job Attached – The status of a claimant when an employer has verified a scheduled date of hire/rehire for at least 30 hours per week. A claimant is not required to look for work while job attached, but must remain available for any offer of suitable work.

Maximum Benefit Amount (MBA) – The maximum amount of benefits potentially available during a benefit year based on the wages earned in the *base period* of a claim. This information is located on the Monetary Determination.

Misconduct – Deliberate or careless disregard of an employer's or another employee's rights or interests. If it is shown the discharge was due to misconduct, benefits will be denied.

Overpayment – A payment of benefits not entitled to under Montana rule and law.

Partial Benefits – The amount of unemployment insurance benefits you may receive while working, if your customary hours are reduced.

Personal Identification Number (PIN) – A 4-digit number selected for security purposes that, along with a Social Security Number, identifies the claimant to the UI4U.mt.gov Internet site and *IVR*.

Redetermination – A request for reconsideration of an initial decision regarding receipt of benefits.

Register for Work – Individuals who are claiming benefits and are not job attached or union attached, as determined by our agency, are required to register at the Workforce Services Center in their area for assistance in finding employment.

UI4U.mt.gov – The electronic equivalent of the Claims Processing Center where claims are filed, payments requested and Direct Deposit is authorized. Other services are also available on-line at this site.

Union Attached – The status of an active union member who gets work through the union hiring hall and is on the out of work list as verified by the union. A union attached person is not required to seek work but must be available for any offer of suitable work.

Waiting Week – The first eligible week in a new claim. This is not a paid week, but must be claimed in order to receive credit for it as the waiting week.

WIA-Approved Training – Workforce Investment Act pays for retraining of some unemployed workers. Administered by Workforce Services (Job Service), this program allows you to attend school and receive unemployment benefits while being retrained.

Weekly Benefit Amount (WBA) – The maximum amount you may be eligible to receive for 1 week if you have no reported earnings that week. This amount is located on your monetary determination.

Work Search – You are required to make at least 1 work search contact per week while claiming benefits. You must keep a written record of the contact, (unless you are job attached or union attached).

Workforce Service Centers – The state agency where claimants are required to register for work, also known as Job Service.

LEGAL REQUIREMENTS

PRIVACY OF INFORMATION

The Unemployment Insurance Program asks for your social security number by the authority of the Social Security Act (42 U.S.C. 405c (2)(C)(i). You must provide your social security number to file an unemployment insurance claim.

The Privacy Act of 1974 does not allow us to give information about your claim to anyone (including family members) other than yourself or your employer unless you give us written authorization to discuss your claim with another person.

We use your social security number to verify your identity, and properly process your claim. Previous employers, and other state or local government agencies including the University system, may release to the Department of Labor and Industry any information, including your social security number, required for the proper administration of your claim. We also use your social security number to report the amount of unemployment insurance benefits you receive to the Internal Revenue Service as taxable income.

Montana law 39-51-603 permits the Department of Labor and Industry to share certain information with other public agencies to help them determine your eligibility for, or amounts of, benefits payable under their programs.

EQUAL OPPORTUNITY

This agency is prohibited from discriminating on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Unemployment Insurance/Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any Unemployment Insurance/Title I financially assisted program or activity.

The agency must not discriminate in any of the following areas:

- Deciding on who will be admitted, or have access to, any Unemployment Insurance or WIA Title I financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

UI/ADA Officer
Department of Labor and Industry
PO Box 8020
Helena MT 59604-8020

Phone: (406) 444-9036
(ADA/EEO questions only)
Montana Relay: 711

OR YOU MAY CONTACT THE CIVIL RIGHTS CENTER BY WRITING:

The Director, Civil Rights Center (CRC)
US Department of Labor
200 Constitution Ave NW Room N-4123
Washington DC 20210

If you file your complaint with the state, you must wait either until a Written Notice of Final Action is issued, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center.

If you do not receive a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90 day deadline (within 120 days after the day on which you filed your complaint with the recipient).

If you receive a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act of 1991 prohibits discrimination against a qualified individual with a disability. We will make accommodations to allow your participation in all programs, activities and services provided by the Unemployment Insurance program **at the request of an individual with a qualifying disability**. Call the Claims Processing Center to make your request known. Use Montana Relay service at 711 if you are deaf or hard of hearing.

WORK SEARCH LOG

Keep a record of your job contacts. You may be asked to produce this record at any time up to 3 years after filing your claim.

EMPLOYER CONTACTS

Results													
Type of Work Sought													
Person Contacted													
How Contacted													
Employer Name, Address and Phone													
Date													